

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

JASON SHAWN NAYLOR

PETITIONER

VS.

CIVIL ACTION NO. 3:16cv437-DPJ-FKB

WILLIAM D. "BILLY" SOLLIE

RESPONDENT

REPORT AND RECOMMENDATION

This is an action for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 filed by Jason Shawn Naylor, a pretrial detainee currently being held at the Lauderdale County Detention Facility on charges of rape and murder. At the time of the filing of the petition, there was also pending against Naylor a charge of aggravated domestic violence, and it was this charge that formed the basis of his request for relief. In the petition, he alleged that he had been held on the aggravated domestic violence charge, No. 133-15 in the Circuit Court of Lauderdale County, for more than 270 days and had been told that the charge would be dismissed. He asked that he be released immediately.

Presently before the Court is Respondent's motion to dismiss [11]. In the motion, Respondent states that the aggravated domestic violence charge has been dismissed and requests that the petition be dismissed as moot. Attached to the motion is an "Order of Nolle Prosequi Without Prejudice" entered by the Circuit Court of Lauderdale County on September 2, 2016, in cause no. 133-15. In apparent response to the motion to dismiss, Naylor has filed documents [12 and 14] requesting that all charges against him be dismissed.

The petition as originally filed is clearly moot. Moreover, there is no basis for allowing Naylor to amend to include his other pending charges, as those charges are

now the basis of a separate habeas petition pending in this court, *Jason Naylor v. William D. Sollie*, No.3:16cv762-HTW-LRA. For these reasons, the undersigned recommends that the motion to dismiss be granted.

The parties are hereby notified that failure to file written objections to the proposed findings, conclusions, and recommendation contained within this report and recommendation within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the proposed factual findings and legal conclusions accepted by the district court. 28 U.S.C. § 636; Fed. R. Civ. P. 72(b); *Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

Respectfully submitted, this the 14th day of April, 2017,

s/ F. Keith Ball
United States Magistrate Judge